

## REMARKS

Claims 1-3 have been amended and are still pending in the application. Claim 4 has been cancelled.

With respect to claims 1,3 and 4 in with the Examiner considers that said claims should be rejected under 35 U.S.C. 102(e) by being anticipated by Mc Mullin No. 6,637,447, Parenteau No. 6,763,965, Gorka No. 5,186,196 and Proa No. 5,058,757.

The clamp of claim 1 is thermal, using refrigerant liquid disposed therein in contrast with the cited prior art documents. None of the prior art cited by the Examiner discloses a clamp with this new feature. This aspect allows additionally the temperature of the content of the body or container to be maintained and, on the contrary, prior art documents neither alone nor in any arguable combination, teach, disclose, or otherwise suggest the employment of a thermal clamp. In this manner, in a condition of a warm day, different devices disclosed do not maintain temperature in same conditions as the present invention as disclosed in this application.

Furthermore, as can be appreciated from the description of the application, this claimed combination of elements allows a user to refrigerate liquid disposed within the clamp and accordingly and due to direct contact with the drinking glass, liquid disposed in the beverage container is refrigerated. Therefore it is evident for those skilled in this art the advantages concerning the thermal clamp.

Regarding the rejection for lack of inventive step of features defined in claim 2, we consider that said claim meets the requirements of novelty and inventive step since any prior art documents disclose a connector element with same features, that is to say, a connector element to be clipped at a point of the drinking glass perimeter is provided so that a gripping ability feature is achieved in an easy way.

Another advantageous aspect to point out, is the presence of connection elements between the rod and the extension of the clamp by a screw thread engagement.

This engagement system permits release of the advertisement and sun protection part, whereby it allows use of different designs; that is to say, to install an exchangeable piece instead of using a whole new device as occurred in the Mc Mullin (6,637,447), and the Proa (5,058,757) patents.

Regarding the Gorka patent, the beverage shader does not show a clamp but a holder 1 acting as container whereby that shader can not be regulated in height in a easy and quick manner as in the present application as claimed.

Accordingly, because all claims 1–3 are believed to be clearly allowable, a notice to that effect is earnestly solicited.

Respectfully submitted,

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